

21. (Amended) A method for aspirating fluid in a medical system, comprising:  
creating a flow of fluid that has a pressure and a flowrate; and,  
restricting the flow of fluid in a tube so that a variation in the pressure will create a non-linear change in the flowrate while maintaining essentially a same tube diameter.

The applicant has attached an edited version of the amended claims as an Appendix.

REMARKS

The Examiner rejected claims 1, 2, 5, 11, 12, 15, 21 and 22 under 35 U.S.C. §102(b) as being anticipated by Saaski. To anticipate a claim all of the elements and limitations of a claim must be found or inherent in the four corners of the reference.

Independent claims 1 and 6 recite a non linear flow restrictor which maintains and is essentially the same diameter even with a change of pressure. This is to be distinguished from the Saaski regulator wherein the diameter does change with pressure. As discussed on column 17, lines 11-15 an increase in pressure will deflect the flexure 28 toward the seat 42. This will change the diameter of the flow passage and the corresponding flowrate. Such a regulator requires a flexible membrane that is cycled between seated and unseated positions. Cycling flexible membranes are known to fail particularly when used over an extended lifecycle.

*claimed?* Independent claims 1 and 6 recite a non-linear flow restrictor that maintains essentially the same diameter even with variations in line pressure. Additionally, independent claim 21 recites restricting flow in a non-linear relationship with pressure while maintaining essentially the same diameter. Saaski restrictor varies its diameter, the present claimed invention does not. For this reason the applicant submits that this reference does not anticipate claims 1, 2, 5, 21 and 22.

Independent claims 11 and 16 recite full restrictor means under MPEP §2111.01 mean clauses are to be interpreted under 35 U.S.C. §112, sixth paragraph. Under paragraph six,